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**VIA EMAIL**

June 20, 2023

Councilmember Kristina Duggan  
Councilmember Mary Zendejas  
Councilmember Daryl Supernaw  
Long Beach City Council  
411 W. Ocean Boulevard  
Long Beach, California 90802

**RE: Opposition to Council Item NB-25, Ensuring Useable and Safe Public Spaces**

Dear Members of the Long Beach City Council:

The Legal Aid Foundation of Los Angeles (LAFLA) submits the following comments related to Council Item NB-25, which is a motion entitled “Ensuring Useable & Safe Public Spaces,” and is currently Item number 33 on the agenda for tonight’s City Council meeting.

LAFLA provides free legal services to low income people on a variety of issues, including housing, public benefits, immigration, and civil rights. Los Angeles has community offices throughout the County, including one of our oldest offices in Long Beach. We write to you to encourage you to reconsider this motion and instead, continue to focus on productive solutions to address the homelessness crisis in Long Beach.

The motion currently before the City Council this evening requests the City Manager, City Attorney, and City Prosecutor report back to the City Council on options related to keeping public spaces usable and safe. The body of the motion and the examples provided of other jurisdictions’ approaches focus exclusively on ordinances that criminalize engaging in life-sustaining activities in public.

**A. Laws That Criminalize Homelessness Do Not Promote Health or Safety**

While there is no question that cities can and should promote the health and wellbeing of all of its residents, focusing on ordinances that criminalize homelessness actually promote neither. Laws that criminalize homelessness, like the ones highlighted in the motion, have frequently resulted in significant civil litigation against the municipalities that pass them. This litigation is far from frivolous—courts in California and throughout the country have routinely found that ordinances that were intended to keep public spaces clear of homeless encampments actually violate unhoused individuals’ constitutional rights. *See e.g., Garcia v. City of Los Angeles*, 11

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**Other Office Locations:**

**East Los Angeles Office**, 5301 Whittier Blvd., 4th Floor, Los Angeles, CA 90022; 213-640-3883  
**Long Beach Office**, 601 Pacific Ave., Long Beach, CA 90802; 562-435-3501  
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F.4<sup>th</sup> 1113 (9<sup>th</sup> Cir. 2021); *Johnson v. City of Grants Pass*, 50 F.4<sup>th</sup> 787 (2022); *Martin v. Boise*, 920 F.3d 584 (9<sup>th</sup> Cir. 2019); *Desertrain v. City of Los Angeles*, 754 F.3d 1147 (9<sup>th</sup> Cir. 2014), While the jurisdictions passing those ordinances may have done so with the best intentions of balancing a City's desire to maintain public spaces free of homeless encampments with the rights of unhoused individuals, courts held that at the very least, they misunderstood the constitutional protections that all individuals enjoy, including people who are compelled to live on the streets. When that occurs, the result is costly litigation, to say nothing of the fact that the rights of a city's residents have been violated.

In addition to threatening unhoused people's civil rights and potentially subjecting municipalities to civil liability, there are myriad other reasons why these laws are not an effective strategy to end homelessness or even address public health and safety concerns.

Focusing on criminalization can also be incredibly polarizing to the community because debates about whether and when life-sustaining activities should be criminalized perpetuate the notion that individuals who engage in these activities are criminal. Ordinances that ban individuals from discrete types of public spaces are based on the idea that unhoused people are dangerous and should not be around schools, libraries, and other community spaces, particularly where children are present. When political leaders promote these kinds of strategies, it can actually make it significantly harder for those leaders to then advance real solutions to homelessness; when unhoused people are portrayed as dangerous, this only fuels resistance to sighting affordable housing and homeless shelters. The "us vs. them" rhetoric that frequently develops during debates about criminalization is counter-productive and can stifle actual progress towards ending the homelessness crisis.

Laws that criminalize homelessness also have a negative impact on the ability of unhoused individuals to obtain housing and services. At the very least, laws that displace individuals from specific locations make it more difficult for service providers to remain connected to individuals seeking housing and services. In addition, that disruption can be multiplied when laws are punishable by jail time, fines, or fees. By relying on laws that criminalize homelessness and law enforcement strategies to maintain these spaces, unhoused individuals can become more distrustful of and therefore disconnected from the services necessary to help them move off the streets.

Criminalization also exacerbates the already significant disparate impact of homelessness on communities of color, and in particular, Black communities. According to Long Beach's 2022 Homeless Count data, Black, Indigenous, and Pacific Islander Communities are three times as likely to experience homelessness as other communities.<sup>1</sup> Targeting unhoused residents for involvement by law enforcement and the criminal justice system therefore will disproportionately target these communities as well.

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<sup>1</sup>City of Long Beach, 2022 Homeless Count, available <https://longbeach.gov/globalassets/health/homeless-services-division/homeless-count/homeless-services-update---2022-point-in-time-homeless-count-results>

## **B. There Are More Effective Strategies to Address Health and Safety Concerns**

Jurisdictions like Long Beach have many other options that can more effectively address any public health implications caused by most vulnerable residents living on the streets, without the negative impacts on unhoused residents and the threat of litigation. For example, municipalities can provide public health infrastructure like hygiene (portable toilets, handwashing stations, showers, etc) and sanitation (trash containers and routine trash pickup, sharps exchanges, and vector control). These strategies would be far more effective at addressing any true public health concerns that can exist in encampments, without placing Long Beach in the position of potentially violating unhoused people's constitutional rights and exacerbating existing racial disparities in rates of homelessness and system involvement. Moreover, these strategies are a just and humane response to a humanitarian crisis, without causing trauma to already vulnerable residents.

While considering the public health impacts of homelessness is important, this motion focuses only on studying criminalization strategies to address issues that are not criminal in nature. Criminalization has proven to be a failed strategy. As such, LAFLA opposes this motion and encourages the City of Long Beach to continue to focus on positive ways to address the homelessness crisis.

Thank you in advance for your consideration, and please let me know if you have any questions. I can be reached at 213-640-3983 or [smyers@lafla.org](mailto:smyers@lafla.org).

Sincerely,



Shayla Myers  
Senior Attorney

CC: Mayor Rex Richardson  
Vice Mayor Cindy Allen  
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Councilmember Suely Saro  
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